REMARKS

Claims 1-8 are pending in the instant application. The Examiner has rejected claims 1, 3-5 and 7-8 under 35 U.S.C. §102(e) as being anticipated by Wenisch (U.S. Patent No. 7,100,054). The Examiner has rejected claims 2 and 6 under 35 U.S.C. §103(a) as being unpatentable over Wenisch, and further in view of Marino (U.S. Patent No. 6,026,165). Claims 1, 4, 5, and 8 have been amended. The Applicants submit that claims 1-8 are in condition for allowance and requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections - 35 USC § 102(e)

The Examiner rejected claims 1, 3-5 and 7-8 under 35 U.S.C. §102(e) as being anticipated by Wenisch. Applicants respectfully traverse. To anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

With regard to claims 1 and 5, Applicants respectfully contend that Wenisch does not teach or disclose each element of the invention. Specifically, Wenisch does not teach or disclose Applicants' claimed transmission of a message including a "user authentication portion comprising an encrypted message sequence number, and a data portion comprising encrypted data but not including user authentication data", wherein the user authentication portion of the message is decrypted "without decrypting the data portion of the message". These features are discussed in greater detail with reference to paragraphs [0053] through [0070] of Applicants' disclosure, and also with reference to FIGs. 5E, 5F, and 5G.

In contrast to Applicants' claimed invention, Wenisch merely discloses a technique for authenticating a user by means of an applet having a challenge string and a first encryption key. Wenisch neither teaches nor suggests sending messages that include a data portion as well as authentication information. Instead, the login packet of Wenisch merely includes authentication information in the form of a session identification, a user name, and a

password (refer to FIGs. 4 and 5 of Wenisch for further details). Although FIG. 5 of Wenisch mentions the term "data", this data is used strictly for authentication purposes and does not meet Applicants' claimed limitation of "a data portion comprising encrypted data but not including user authentication data". Moreover, Wenisch does not disclose or suggest a second computer (i.e., an authentication computer) equipped to only decrypt the user authentication portion of a message while, at the same time, not decrypting the data portion of a message. In view of the fact that Wenisch does not disclose or teach the aforementioned elements of Applicants' invention, Wenisch cannot anticipate Applicants' claims. Thus, claims 1 and 5 are allowable. The Examiner's rejections are improper and should be withdrawn.

In view of the above discussion, claims 3, 4, 7 and 8 depend from claims 1 and 5, whether directly or indirectly, and include all of the corresponding limitations thereof. Claims 1 and 5 are not taught by Wenisch and, thus, claims 3, 4, 7, and 8 cannot be taught by Wenisch either. Thus, claims 1, 3-5 and 7-8 are allowable, the rejections are improper and they should be withdrawn.

Claim Rejections - 35 USC § 103(a)

Claims 2 and 6 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Wenisch (discussed previously) in view of Marino, U.S. Patent No. 6,026,165, hereinafter referred to as "Marino". Applicants respectfully traverse. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Even if the teachings of Wenisch and Marino are combined, the resulting combination fails to meet Applicants' invention as set forth in claims 2 and 6. Note that claim 2 depends from claim 1 and includes all of the corresponding limitations thereof. Likewise, claim 6

depends from claim 5 and includes all of the corresponding limitations thereof. Neither Wenisch nor Marino disclose or suggest transmission of a message as called for in Applicants' claims 1 and 5 where the message includes a "user authentication portion comprising an encrypted message sequence number, and a data portion comprising encrypted data but not including user authentication data", and where the user authentication portion of the message is decrypted "without decrypting the data portion of the message".

The deficiencies of the Wenisch reference in meeting the foregoing limitations have been discussed above in conjunction with the Examiner's anticipation rejection. Marino does not cure these deficiencies. Rather, the Marino disclosure is limited to techniques for sending encrypted data from a transmitter to a receiver using an encryption key to decrypt the data. A sequence number generator is used to synchronously track the encrypted data at the transmitter and receiver (Marino col. 7, lines 32-50). Marino includes no teaching or suggestion whatsoever regarding transmission of a message including a "user authentication portion comprising an encrypted message sequence number, and a data portion comprising encrypted data but not including user authentication data", and where the user authentication portion of the message is decrypted "without decrypting the data portion of the message". Because neither Wenisch nor Marino teach the foregoing elements of Applicants' claimed invention, these references cannot render Applicant's claims unpatentable. Thus, claims 2 and 6 are allowable, the rejections are improper, and they should be withdrawn.

CONCLUSION

The arguments and amendments presented herein are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. The claims have not been amended to overcome the prior art and therefore, no presumption should attach that either the claims have been narrowed over those earlier presented, or that subject matter or equivalents thereof to which the Applicant is entitled has been surrendered. Allowance of the claims is respectfully requested in view of the above remarks. Moreover, no amendments as presented alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection.
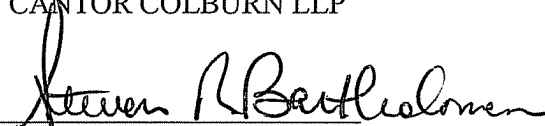
It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicant. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 09-0463.

Respectfully Submitted,

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